

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James O. Browning

CASE NO. CIV 10-1020 JB/LFG

DATE: November 16, 2010

TITLE: *General Protecht Group, Inc., et al. v. Leviton,*

COURTROOM CLERK: K'Aun Wild

COURT REPORTER: Danna Everett

COURT IN SESSION: 9:06 a.m.

COURT IN RECESS: 10:47 a.m. = 1:41

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULINGS/DISPOSITION: Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [5] - **TAKEN UNDER ADVISEMENT**

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S): ATTORNEY

Bill Long/Josh Curry (for all Pltfs. except Larry Shatzer/Shawn Snader
Harbor Freight & Central Purchasing

Mark Rosenberg (for Pltfs. Harbor Meir Blonder (client representative)
Freight & Central Purchasing)

Roger Michner (for all Pltfs. Emil Kiehne

PROCEEDINGS:

Court in Session: 9:06 a.m.

Court: Calls case. Counsel enter appearances.

Court: Discloses that the lawclerk assigned to this matter has accepted offer with Rodey firm, which was involved in prior related litigation involving *Leviton* - if counsel perceive that to be an issue in this matter let Court know and will reassign case to other lawclerk - he has accepted job at Jones Day.

Mr. Long: Argues in support of motion. Tenders another (second) declaration of Song.

Mr. Shatzer: Argues in response in opposition to motion. Tenders ITC's response to GPG's motion to stay that action.

Court: Confirms counsel will file same and also that Plaintiffs' counsel will file the second

Song declaration.

Counsel confirm

Mr. Shatzer: Continues arguing in response in opposition to motion.

10:02 a.m. Mr. Long: Argues in reply in further support of motion.

10:21 a.m. Mr. Rosenberg: Argues in support of motion.

10:24 a.m. Mr. Shatzer: Argues further in response in opposition to motion.

10:38 a.m. Mr. Long: Argues further in support of motion.

10:45 a.m. Mr. Rosenberg: No further argument.

10:45 a.m. Court: Takes under advisement. Asks if anything is occurring in the CA or ITC cases that places parameters on Court's work on this motion?

Mr. Shatzer: No. Plaintiffs have requested (twice) for extension of time to respond to discovery in ITC case - willing to agree to same for another week.

Mr. Long: Accepts offer.

Mr. Shatzer: If more time is needed can discuss.

Court: Will work to get out decision promptly. If have not heard anything and are wondering where decision is do not hesitate to contact CRD. Anything further?

Counsel indicates there is not.

Court in recess: 10:47 a.m.